

REMARKS

Claims 3, 4, 6 and 8-10 are pending in the instant application. Claims 3, 4, 8 and 10 have been rejected. Claims 3 and 4 have been cancelled. Claims 8 and 10 have been amended to correct their dependency and to place them in condition for allowance or appeal. Support for these amendments can be found in the specification. After entry of this amendment, Claims 6 and 8-10 will remain pending.

Rejection of Claims 3, 4 and 10 under 35 USC §102(b)

The Examiner has rejected Claims 3, 4 and 10 under 35 U.S.C. §102(b), as allegedly being anticipated by Pavagadhi et al.(Journal of the Institution of Chemists) and Joshi et al. (Journal of the Indian Chemical Society).

Without conceding correctness of the Examiner's argument, but to further the prosecution of the instant application, Applicants have cancelled Claims 3 and 4, and amended the dependency of Claim 10. Accordingly, Applicants respectfully request the rejections of Claims 3, 4 and 10 under 35 USC §102(b), be withdrawn.

Rejection of Claims 3, 4, 8 and 10 under 35 USC §112, first paragraph

The Examiner has objected to Claims 3, 4, 8 and 10 under 35 USC §112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the Examiner does not believe that there is support in the specification for a requirement of two substituents on the R² phenyl ring.

Without conceding correctness of the Examiner's argument, but to further the prosecution of the instant application, Applicants have cancelled Claims 3 and 4 and amended the dependency of Claims 8 and 10. Accordingly, Applicants respectfully request the rejections of Claims 3, 4 and 10 under 35 USC §112, first paragraph, be withdrawn.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this response to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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